



# ENVIRONMENTAL REGISTER



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## FEDERAL ACTIONS

### United States Environmental Protection Agency Revokes Polychlorinated Biphenyl Human Health Criteria in the Water Quality Guidance for the Great Lakes System

On October 9, 1997, the United States Environmental Protection Agency (USEPA) revoked the human health criteria for polychlorinated biphenyls (PCBs) which it had promulgated in its final Water Quality Guidance For The Great Lakes System (Guidance) in March 1997. 62 Fed. Reg. 52922 (October 9, 1997). USEPA plans to propose replacement criteria in 1998. In the interim, USEPA has calculated a Tier I value for PCBs for human health of 2.6 E-5 micrograms per liter (ug/L) for both drinking water and nondrinking water uses. USEPA is recommending that states and tribes either adopt a human health criterion for PCBs that is no less stringent than this value or use their Guidance based on Tier I methodologies for human health, together with appropriate data, to derive an ambient value to be used in setting permit limits. USEPA anticipates the Tier I values will not be less stringent than USEPA's interim value of 2.6 E-5 ug/L (unless site-specific data are used). (*Cont'd on p.4*)

## RULEMAKING UPDATE

### Board Adopts for Second Notice the Emissions Reduction Market System, R97-13

On October 2, 1997, the Board adopted for second notice review by the Joint Committee on Administrative Rules establishing an Emissions Reduction Market System (ERMS). Docketed by the Board as R97-13, these proposed regulations at 35 Ill. Adm. Code 205 create an ERMS program for volatile organic material (VOM) for the Chicago nonattainment area. Emissions Market Reduction System Adoption of 35 Ill. Adm. Code 205 (October 2, 1997), R97-13. The ERMS is one component of the Illinois Environmental Protection Agency's (IEPA) plan to achieve a 9% reduction in VOM by 1999 in the Chicago nonattainment area.

Proposed Part 205 is designed to regulate stationary point sources that are: (1) located in the Chicago nonattainment area, (2) required to obtain a Clean Air Act Permit Program (CAAPP) permit, and (3) have seasonal emissions of at least 10 tons of VOM. Proposed Part 205 regulates these sources by establishing a historical emissions baseline for each source and requiring each source to reduce its emissions from that baseline by 12%. A source will establish its baseline by averaging its VOM emissions during any two of the "ozone seasons" (*i.e.*, May 1 to September 30) of the years 1994, 1995, or 1996. The IEPA will then issue source allotment trading units (ATUs) in an amount equal to 88% of each source's baseline, (*i.e.*, 100% of the source's baseline less the 12% required reduction).

The rules require sources to hold ATUs in the amount equal to their seasonal emissions of VOM. Sources can either reduce their emissions by 12% or purchase ATUs from the market created by the proposed rule to meet their emissions need for each seasonal period.

This rulemaking was originally proposed by the IEPA on October 7, 1996. The Board held nine days of hearing in this matter and (*Cont'd on p.2*)

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## **RULEMAKING UPDATE**

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received one public comment before issuing a first notice opinion and order on July 10, 1997. After the first notice opinion and order was published in the *Illinois Register* (21 Ill. Reg. 9649 (July 25, 1997)), the Board held an additional hearing on August 19, 1997.

Any questions or comments can be directed to Richard McGill at 312/814-6983, e-mail address: rmcgill@pcb084r1.state.il.us

### **Board Adopts for Second Notice Amendments to the Tiered Approach to Corrective Action Objectives, R97-12(B)**

On October 2, 1997, the Board adopted for second notice review by the Joint Committee on Administrative Rules amendments to the Tiered Approach to Corrective Action Objectives (TACO), docketed by the Board as R97-12(B). Tiered Approach to Corrective Action Objectives (TACO): Amendments to 742.105, 742.200, 742.505, 742.805, and 742.915 (October 2, 1997), R97-12(B). The amendments address how the effect of similar-acting chemicals on the same target organ (also known as the mixture rule) is to be taken into account when determining remediation objectives under TACO. Specifically, the amendments consider the effects of similar-acting chemicals, *i.e.*, carcinogens and noncarcinogens, under Tiers 1, 2, and 3 of the TACO process.

Two hearings were held in this matter on May 21 and May 29, 1997, to consider the proposal of the Illinois Environmental Protection Agency. On July 10, 1997, the Board proceeded to first notice; the amendments were thereafter published in the *Illinois Register* (21 Ill. Reg. 9687 (July 25, 1997)), upon which a 45-day comment period began. The first notice comment period ended on September 8, 1997. No public comments were received during the comment period, however, one comment was received just prior to its initiation.

The mixture rule adopted at second notice remains unchanged from first notice. Essentially, the mixture rule is adopted for each of the three tiers. The mixture rule under Tier 1 is adopted for carcinogens and noncarcinogens detected in groundwater. There is no mixture rule applicable to contaminants of concern in soil at Tier 1 sites. The mixture rule under Tier 2 applies to both carcinogens and noncarcinogens in groundwater, but only to noncarcinogens in soil. Finally, the mixture rule under Tier 3 applies to both carcinogens and noncarcinogens in both groundwater and soil. Also adopted is a definition of "similar-acting chemicals" and Appendix A. Table H which lists carcinogens with groundwater remediation objectives based on concentrations in excess of 1 in 1,000,000 cancer risk.

Any questions or comments regarding this rulemaking may be directed to Amy Muran Felton at 312/814-7011, e-mail address: amuranfe@pcb084r1.state.il.us ♦

### **Board Adopts Second Notice Order in Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code 302.101, 302.105, 302.Subpart E, 303.443, and 304.222, R 97-25**

On October 16, 1997, the Board adopted for second notice review by the Joint Committee on Administrative Rules conforming amendments to the Great Lakes Initiative (GLI), docketed by the Board as R97-25. The GLI is a federally-required rule that has been proposed in accordance with Section 28.2 of the Environmental Protection Act (415 ILCS 5/28.2 (1996)). The United States Environmental Protection Agency published the GLI as a final rule on March 23, 1995, at 60 Fed. Reg. 15366.

The first hearing was held in this matter prior to first notice on May 19, 1997, in Chicago. The second hearing was held during the first notice period on July 28, 1997, in Waukegan. Several public comments were received during the first notice period. Notably, at second notice, the Board added a new section 302.520 which delineates procedures for amending the list of bioaccumulative chemicals of concern (BCC). The Board also modified Section 302.575 to clarify that the methods set forth in that section are to be used to develop Tier I wildlife criteria for non-BCCs. Finally, the Board denied the Illinois Environmental Regulatory Group's motion to create a subdocket regarding whether it is economically and technically justifiable to adopt a phase out of mixing zones for BCCs. The Board found that the phasing out of mixing zones will help to insure the water quality of the Lake Michigan Basin and thereby protect human health and the environment at minimal economic costs to dischargers to the Lake Michigan Basin. The Board further found that although the Board must consider the economic reasonableness of a rule, the Board is not limited to adopting only rules which the Board has determined to be technically feasible and economically reasonable.

Any comments or questions regarding this rulemaking may be directed to Marie Tipsord at 312/814-4925, e-mail address: mtipsord@pcb084r1.state.il.us ♦

**Board Adopts Second Notice Order in Amendments to the Clean Fuel Fleet Program: 35 Ill. Adm. Code 241, R 98-8**

On October 16, 1997, the Board adopted for second notice review by the Joint Committee on Administrative Rules amendments to the Clean Fuel Fleet Program (CFFP), docketed by the Board as R98-8. This rulemaking was proposed in accordance with Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1996)). Section 28.5 provides for the adoption of Clean Air Act amendments (42 U.S.C. § 7401 *et seq.* (1990)) according to a fast-track procedure.

The first hearing in this matter was conducted in Chicago on August 27, 1997. As no requests were made for the second hearing within 7 days of the first hearing in accordance with Section 22.5 of the Environmental Protection Act (415 ILCS 5/22.5 (1996)), the second and third hearings were canceled by hearing officer order dated September 4, 1997. No public comments were received during the first notice period. The second notice proposal amends certain sections of the CFFP to reflect that owners and operators of fleets will have an additional year to meet the requirements of the CFFP and to correct certain amounts of credit given for over-compliance.

Any additional comments or questions regarding this rulemaking may be directed to Amy Muran Felton at 312/814-7011, e-mail address: amuranfe@pcb084r1.state.il.us ♦

**Board Accepts Proposal for Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources: Amendments to 35 Ill. Adm. Code 201, R98-13**

On October 16, 1997, the Board accepted a proposal for amendments to the Board's air permitting rules (35 Ill. Adm. Code 201) filed by the Environmental Protection Agency. The proposed rules would amend the air permit system to establish a "perpetual" air pollution permit program. Sources affected are those that emit 35 tons or more per year and that are not subject to Section 39.5 of the Environmental Protection Act (Act) (415 ILCS 5/39.5 (1996)) (Clean Air Act permit program (42 U.S.C. § 7401 *et seq.* (1990))), and are not required to have a federally enforceable state operating permit. The proposal indicates that the proposed rules are required by amendments to the Act contained in P.A. 90-367, effective August 10, 1997. Pursuant to P.A. 90-367, the Board is required to revise its rules to reflect the amendments to the Act before July 1, 1998.

Any comments or questions regarding this rulemaking may be directed to Charles King at 312/814-6926, e-mail address: cking@pcb084r1.state.il.us ♦

**Board Adopts Reasons for Delay Order in Adoption of Final Rules in Identical-in-Substance Dockets for Resource Conservation and Recovery (July 1, 1996 through December 31, 1996, January 1, 1997 through June 30, 1997) and Underground Injection Control (January 1, 1997 through June 30, 1997) Updates, R 97-21, R 98-3, R 98-5 (consolidated)**

On October 16, 1997, the Board set forth reasons for its delay in adopting identical-in-substance amendments in Resource Conservation and Recovery Act and Underground Injection Control updates, docketed as R97-21, R98-3, R98-5. On October 17, 1996, the Board adopted an order setting forth the reasons for the Board's delay as follows:

Due to the present and recent-past demands on Board resources and personnel, including those associated with completing the two prior updates, R95-4/R95-6 and R95-20, the Board has been unable to commence the amendments in dockets R96-10 and R97-5 in such a way that it has been able to complete rulemaking activities within one year. The amendments involved in dockets R95-4/R95-6 and R95-20 represented significant efforts on the part of the Board, given the magnitude of the amendments and competing priorities for the Board and its staff. Those amendments, the magnitude of the amendments involved in consolidated dockets R96-10/R97-3/R97-5, and other competing priorities have resulted in unavoidable delay.

The present delay in the current update docket was the result of the delays experienced in the previous 500-page consolidated update docket. Due to the complexity of the hazardous waste regulations and the fact that many provisions that are under revision in the present docket are also involved in the prior update docket, the Board found that it was impracticable to have two sets of amendments to these rules simultaneously pending. The Board anticipates adoption of a proposal for public comment in November 1997.

All questions and comments regarding this rulemaking may be directed to Michael McCambridge at 312/814-6924; e-mail address: mmccambr@pcb084r1.state.il.us ♦

## **FEDERAL ACTIONS**

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USEPA is not removing the wildlife criterion for PCBs of 1.2 E-4 ug/L, also promulgated in March 1997. USEPA expects states and tribes to adopt and submit PCB wildlife criteria consistent with this criterion.

### **National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants Adopted**

On October 7, 1997, the United States Environmental Protection Agency (USEPA) promulgated national emission standards for each new or existing potline, paste production plant, anode bake furnace associated with a primary aluminum reduction plant, and for each new pitch storage tank associated with a primary aluminum production plant. 62 Fed. Reg. 52383 (October 7, 1997). In addition, the new source performance standard for primary aluminum plants is amended and most of the requirements are incorporated in the final national emissions standards. This action also adds Method 315 for the measurement of extractable organic matter to Appendix A of Part 63 of the Code of Federal Regulations (CFR) and Method 14A for the measurement of total fluoride to Appendix A of Part 60 of the CFR.

The major hazardous air pollutants (HAPs) emitted by the facilities covered by this rule include hydrogen fluoride and polycyclic organic matter (POM). Polycyclic aromatic hydrocarbons are included in the chemical group for POM. Polycyclic aromatic hydrocarbons have been reported to produce carcinogenic, reproductive, and developmental effects as well as toxic effects on blood, liver, eyes, and the immune system. The final rule will result in a 50% reduction in fluoride and POM emissions from the current level of 11,000 tons per year; a substantial reduction in emissions of non-HAPs, such as particulate matter, also will be achieved.

These standards implement Section 112(d) of the Clean Air Act (42 U.S.C. § 7401), as amended, and are based on the USEPA Administrator's determination that primary aluminum plants may reasonably be anticipated to emit several of the HAPs listed in Section 112(b) of the Clean Air Act from the various process operations found within the industry. Section 9.1(a) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.1(a) (1996)) provides that national emission standards for HAPs are applicable and enforceable under the Act without further rulemaking action by the Board. This rule is effective October 7, 1997.

### **Confirmation of Effective Date of Small Municipal Solid Waste Landfills**

On July 29, 1997, the United States Environmental Protection Agency (USEPA) published a direct final rule (62 Fed. Reg. 40708 (July 29, 1997)) which established regulations to implement the Land Disposal Program Flexibility Act of 1996 (LDPFA). These regulations provide additional flexibility to approved states for any municipal solid waste landfill (MSWLF) that receives 20 tons or less of municipal solid waste per day. The additional flexibility applies to alternative frequencies of daily cover, frequencies of methane monitoring, and infiltration layers for final cover. As stated in the preamble to the direct final rule, provisions contained in the Revised Criteria for Municipal Solid Waste Landfills (54 Fed. Reg. 51104 (October 9, 1991) and 61 Fed. Reg. 60327 (November 27, 1996)) provide the additional flexibility for demonstrating financial assurance contemplated by Congress in the LDPFA. The additional flexibility will allow the owners and operators of small MSWLFs the opportunity to reduce their costs of MSWLF operation while still protecting human health and the environment. The USEPA has not received any adverse comments to this rule as written. Therefore, according to the notice dated October 2, 1997 (62 Fed. Reg. 51606 (October 9, 1997)), this rule will go into effect as scheduled on October 27, 1997. This direct final rule was included in the Board's proposal for public comment in an identical-in-substance rulemaking pursuant to Section 7.2 of the Environmental Protection Act (415 ILCS 5/7.2 (1996)) on August 7, 1997. See [RCRA Update: Amendments to Subtitle D](#) (August 7, 1997), R97-20. ♦

### **Notice of Consent Decree With a Rock Island, Rock Island County, Illinois Company Under the Comprehensive Environmental Response, Compensation, and Liability Act**

On October 8, 1997, the Department of Justice issued a notice that on September 29, 1997, a proposed consent decree in [United States v. Case Corporation, et al.](#), (Civil Action No. 97-4101) was lodged with the United States District Court for the Central District of Illinois. 62 Fed. Reg. 52574 (October 8, 1997). The consent decree settles an action brought under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, for the recovery of past costs incurred by the United States in responding to releases or threatened releases of hazardous substances at the A.A. Waste Oil Site (site), located in Rock Island, Illinois. The proposed settlement set forth in the consent decree addresses the liability of 28 defendants in this action, each of which has been named as a generator of hazardous substances at the site. Under the terms of the proposed consent decree, the settling defendants will pay

the United States a total of \$395,000 in settlement of the United States' past cost claims against them. ♦

### **United States Environmental Protection Agency Intends to Implement Performance Based Measurement System**

On October 6, 1997, the United States Environmental Protection Agency (USEPA) issued a notice of intent to implement a Performance Based Measurement System (PBMS) for environmental monitoring in all of its remedial programs to the extent feasible. 62 Fed. Reg. 52098 (October 6, 1997). The USEPA defines PBMS as a set of processes wherein the data quality needs, mandates, or limitations of a program or project are specified, and serve as criteria for selecting appropriate methods to meet those needs in a cost-effective manner. Where PBMS is implemented, the regulated community would be able to select any appropriate analytical test method for use in complying with USEPA's regulations. It is USEPA's intent that implementation of PBMS have the overall effect of improving data quality and encouraging advancement of analytical technologies. The USEPA anticipates proposing amendments to certain of its regulations, as needed, to incorporate PBMS into its regulatory programs. ♦

### **Announcement of the Draft Drinking Water Contaminant Candidate List**

On October 6, 1997, the United States Environmental Protection Agency (USEPA) published a draft listing of 58 chemicals and 13 microbiological drinking water contaminants not presently regulated to represent its candidate list for drinking water regulations. 62 Fed. Reg. 52194 (October 6, 1997). Under the Safe Drinking Water Act (SDWA) amendments of 1996 (42 U.S.C. § 300(f)), USEPA is required to publish a listing every five years of candidate contaminants for study. USEPA is required to then determine whether each candidate warrants regulation in drinking water based on the costs and benefits of such regulation. The list includes a number of chlorinated organic compounds and pesticides. It also includes such inorganic substances as boron, aluminum, nickel, zinc, and sodium. The microbiologics included in the list are bacteria, viruses, protozoans, and algae. USEPA sets forth the technical information needed for each candidate and its plan for evaluation of each in the notice. While it will take time for the USEPA's evaluations, it is anticipated that it will result in revisions to the federal SDWA regulations that the Board will be required to adopt in its identical-in-substance proceedings in accordance with Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (1996)). ♦

### **Solicitation for Brownfields Project Proposals**

On October 9, 1997, the United States Environmental Protection Agency (USEPA) published a notice indicating that it will accept proposals for the National Brownfields Assessment Pilots (NBAS). 62 Fed. Reg. 52720 (October 9, 1997). The NBAS (each funded up to \$200,000 over two years) test cleanup and redevelopment planning models, direct special efforts toward removing regulatory barriers without sacrificing protectiveness, and facilitate coordinated environmental cleanups and redevelopment efforts at the federal, state, and local levels. USEPA expects to select approximately 100 additional NBAS by May 1998. Applications will be accepted on a "rolling submissions" schedule. The deadlines for new applications for the 1998 NBAS are December 15, 1997, and March 23, 1998. Application booklets can be obtained by calling the Superfund Hotline at 1-800-424-9346. ♦

### **Study of Children's Health Risks and Environmental Criteria**

On October 3, 1997, as part of its ongoing commitment to protect children from environmental health risks, the United States Environmental Protection Agency (USEPA) will select five existing human health and environmental protection standards for review and evaluation to determine if they sufficiently protect children's health. See 62 Fed. Reg. 51854 (October 3, 1997). USEPA is seeking recommendations and comments concerning standards it should select for review, including detailed explanations and reference to any studies that support that recommendation. The standards that USEPA ultimately will select for review and evaluation will be those that could potentially have a major impact on children's health as a result of reevaluation and vision. USEPA is undertaking this study based on its knowledge that impacts and exposures among children likely differ from those of adults, upon whom most standards are based. Comments must be sent in writing by December 2, 1997, to Paula R. Goode, Office of Children's Health Protection, USEPA, 401 M Street, SW, Washington, DC 20460, e-mail: goode.paula@epamail.epa.gov ♦

### **United States Environmental Protection Agency Adopts Compliance Assurance Monitoring for Major Stationary Sources of Air Pollution**

Pursuant to requirements concerning enhanced monitoring and compliance certification under the federal Clean Air Act, the United States Environmental Protection Agency (USEPA) is promulgating new regulations and revised regulations to implement compliance assuring monitoring for major stationary sources of air pollution that are required to obtain operating permits under Title V of the Clean Air Act (42 U.S.C. § 7401 *et seq.* (1990)).

62 Fed. Reg. 54899 (October 22, 1997). Subject to certain exemptions, the new regulations require owners or operators of such sources to conduct monitoring that satisfies particular criteria established in the rule to provide reasonable assurance of compliance with applicable requirements under the Clean Air Act.

Monitoring will focus on emissions units that rely on pollution control device equipment to achieve compliance with applicable standards. The regulations also provide procedures for coordinating these new requirements with USEPA's operating permit program regulations. Revisions to the operating permit program regulations clarify the relationship between the Part 64 requirements (included in the 1990 Clean Air Act Amendments (CAAA)) and periodic monitoring and compliance certification requirements. This rulemaking is estimated to improve compliance with existing regulations which will potentially reduce the need for further regulation to achieve clean air goals at a cost significantly less than that of a rule proposed in 1993 to achieve similar results. The Board would expect to see the Environmental Protection Agency propose similar rules as a CAAA fast-track proposal pursuant to Section 28.5 of the Illinois Environmental Protection Act (415 ILCS 5/28.5 (1996)). The effective date of this rule is November 21, 1997. ♦

### **United States Environmental Protection Agency Adopts Regulations to Control Emissions of Air Pollution from Highway Heavy-Duty Engines**

On October 21, 1997, the United States Environmental Protection Agency (USEPA) adopted regulations to control emissions of air pollution from highway heavy-duty engines (HDEs). 62 Fed. Reg. 54693 (October 21, 1997). The new standards and related provisions contained in this final rule will result in significant progress throughout the country in protecting human health and the environment. In this action, USEPA is adopting a new emission standard and related provisions for diesel heavy-duty engines intended for highway operation, beginning with the 2004 model year. The new standard represents a large reduction (approximately 50%) in emission of oxides of nitrogen as well as reductions in hydrocarbons from diesel trucks and buses. The reductions in nitrogen oxides will also result in significant reductions in secondary nitrate particulate matter in areas where levels of nitrate particulate matter are high.

For diesel HDEs, USEPA is also finalizing changes to the existing averaging, banking, and trading program that provides additional flexibility for manufacturers in complying with the stringent new standards. USEPA is also adopting several provisions to increase the durability of emission controls, help ensure proper levels of maintenance, and prevent tampering during engine rebuilding. The resulting emission reductions will

translate into significant, long-term improvements in air quality in many areas of the United States. This will provide assistance to the states and regions facing ozone and particulate air quality problems that are causing a range of adverse health effects for their citizens, especially in terms of respiratory impairment and related illnesses. The Board would expect to see the Illinois Environmental Protection Agency propose similar rules as a Clean Air Act Amendment fast-track proposal pursuant to Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1996)). This regulation is effective December 22, 1997.

Although USEPA proposed new standards and related averaging, banking, and trading provisions for otto-cycle HDEs (*e.g.*, gasoline-fueled engines), USEPA is not taking final action for that category of engines at this time. USEPA received several comments urging it to adopt more stringent control measures for otto-cycle engines. USEPA continues to evaluate these comments and plans to issue a supplemental notice of proposed rulemaking to address these engines specifically. ♦

### **Notice of Proposed Consent Decree Reached With World Color Press, Inc.'s Alden Printing Facility located in Elk Grove, Cook County, Illinois**

On October 21, 1997, the United States Environmental Protection Agency (USEPA) published notice of a proposed consent decree in the United States v. World Color Press, Inc., Civil Action No. 96-CV-1084, that was lodged with the United States District Court for the Northern District of Illinois. 62 Fed. Reg. 54654 (October 21, 1997). In this action, the United States sought injunctive relief and a civil penalty against World Color Press, Inc.'s Alden Printing Facility located in Elk Grove, Cook County, Illinois to bring it into compliance with requirements in its permit to control and limit emissions of volatile organic materials (VOM) for its printing presses. Following filing of the complaint, but before settling the litigation, World Color Press, Inc. complied with the USEPA's request to replace condenser recovery systems with an afterburner at the Alden Printing Facility to control VOM emissions from certain printing presses. The consent decree requires World Color Press, Inc. to pay a civil penalty of \$250,000, and to comply with the Clean Air Act in all respects.

The Department of Justice will receive comments on the consent decree until November 21, 1997. Comment should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to United States v. World Color Press, Inc., D.J. Ref. 90-5-2-1-1984. ♦

## **FINAL DECISIONS 10/2/97**

**96-53** David and Susi Shelton v. Steven and Nancy Crown - The Board found that respondents had violated Sections 23 and 24 of the Environmental Protection Act (415 ILCS 5/23, 5/24 (1996)) in this citizens' noise enforcement action involving a Cook County facility, but the Board did not impose a penalty.

**97-237** People of the State of Illinois v. Frank Levato - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility, ordered the respondent to pay a civil penalty of \$4,000, and ordered the respondent to cease and desist from further violations.

**98-44** Castwell Products, Inc. v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Cook County facility.

**98-45** Department of the Army v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Cook County facility.

**AC 97-69** County of Will v. Timothy A. Nichols - The Board entered an order finding that this Will County respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)), and ordered respondent to pay a civil penalty of \$1,000.

**AC 98-6** IEPA v. R. Frietsch & Company - The Board accepted a stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, ordered the respondent to pay a civil penalty of \$500, and dismissed this action. As part of the settlement agreement, respondent admitted violating Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)).

**AC 98-7** IEPA v. USA Waste Services, Inc. - The Board entered an order finding that this Marshall County respondent violated Sections 21(o)(5) and (o)(13) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (o)(13) (1996)), and ordered respondent to pay a civil penalty of \$1,000.

**AC 98-10** County of Vermilion v. Darrell Grant - The Board entered an order finding that this Will County respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)), and ordered him to pay a civil penalty of \$1,000.

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## **FINAL DECISIONS 10/16/97**

**94-83** People of the State of Illinois v. George Ribble - The Board accepted a stipulation and settlement agreement in this land enforcement action involving a Macoupin County facility, ordered the respondent to pay a civil penalty of \$7,500, and ordered the respondent to cease and desist from further violations.

**95-166** Henri Studio, Inc. v. IEPA - The Board granted petitioner's motion for withdrawal of this land permit appeal involving a Lake County facility.

**97-38** People of the State of Illinois v. Amsted Industries, Inc. d/b/a Griffin Wheel Company, L.E. Swiderski d/b/a Griffin Wheel Company, and Horsehead Resource Development Company, Inc. - The Board granted respondents' motion to dismiss this land enforcement action involving a Macoupin County facility because the IEPA failed to comply with former Section 31(d) of the Environmental Protection Act (415 ILCS 5/31(d) (1994)) prior to the filing of the complaint in this matter. Board Members M. McFawn and J. Theodore Meyer concurred.

**97-110** People of the State of Illinois v. Meto-Graphics, Inc. - The Board accepted a stipulation and settlement agreement in this Resources Conservation Recovery Act enforcement action involving a McHenry County facility, ordered the respondent to pay a civil penalty of \$5,000, and ordered the respondent to cease and desist from further violations.

**97-130** People of the State of Illinois v. Big O, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action involving facilities located in Champaign and Vermilion Counties, ordered the respondent to pay a civil penalty of \$5,500, and ordered the respondent to cease and desist from further violations. Board Member K.M. Hennessey abstained.

**97-225** People of the State of Illinois v. Heartland Pork Enterprises, Inc. - The Board accepted a stipulation and settlement agreement in this water enforcement action involving an Edgar County facility, ordered the respondent to pay a civil penalty of \$5,500, and ordered the respondent to cease and desist from further violations.

**98-14** City of Salem, City of Freeport, and Knox County v. IEPA - The Board granted this Knox County facility a variance, subject to conditions, from the landfill financial assurance requirements found at 35 Ill. Adm. Code 811.700(b) and (f), and 811.706. Chairman C.A. Manning abstained.

**98-53** City of Lockport v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in 35 Ill. Adm. Code 302.212 and 304.141(a) and included in National Pollutant Discharge Elimination System Permit No. IL0029611. Board Member K.M. Hennessey abstained.

**AC 95-15** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 95-19** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 95-38** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility. Consolidated with AC 95-49.

**AC 95-49** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility. Consolidated with AC 95-38.

**AC 96-6** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 96-10** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 96-14** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 96-15** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 96-18** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 96-19** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 97-25** County of Will v. CDT Landfill - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

**AC 98-5** County of Will v. Edward Fogarty - The Board entered an order finding that this Will County respondent violated Sections 21(p)(1), (p)(3), and (p)(4) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4) (1996)), and ordered him to pay a civil penalty of \$1,500.

**AC 97-41** County of Will v. Utilities Unlimited, Inc. and Charles Petrekis, Sr. d/b/a Utilities Unlimited, Inc. - The Board entered an order requiring respondents to pay \$357 in hearing costs. This order supplements the Board's interim order of July 24, 1997 which found that these Will County respondents had violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)), and ordered the respondents to pay a civil penalty of \$1,000.

**AS 98-1** In the Matter of: Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code 814, Subpart D - The Board granted this LaSalle County facility an adjusted standard, subject to conditions, from the landfill closure date requirements found at 35 Ill. Adm. Code 814.Subpart D. Board Member J. Theodore Meyer dissented.



**NEW CASES 10/2/97**

**98-42** People of the State of Illinois v. Illini Protein - The Board received for hearing this Emergency Planning Community Right to Know Act enforcement action against a Cook County facility.

**98-43** Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental - The Board accepted for hearing this appeal of a pollution control facility (landfill) siting decision involving a proposed Madison County facility, but declined to allow Bensman, a non-attorney, to represent the Sierra Club. Board Members J. Theodore Meyer and G.T. Girard dissented.

**98-44** Castwell Products, Inc. v. IEPA - *See Final Actions*

**98-45** Department of the Army v. IEPA - *See Final Actions*

**98-46** Herb Treder (Site Classification Completion Report) v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.

**98-47** People of the State of Illinois v. State Oil Company - The Board received for hearing this air enforcement action against a Lake County facility.

**NEW CASES 10/16/97**

**98-26** Deans Food Company v. IEPA - The Board accepted for hearing this appeal of an air permit decision on behalf of a Winnebago County facility.

**98-48** Franklin Community Unit School District v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Morgan County facility.

**98-49** Owens Oil Company v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Greene County facility.

**98-50** Steve's Mobil Service v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Morgan County facility.

**98-51** Kuhn Lumber Company, Inc. v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a St. Clair County facility.

**98-52** Commonwealth Edison Company v. IEPA - The Board accepted for hearing this appeal of a National Pollutant Discharge Elimination System permit on behalf of a Mason County facility.

**98-53** City of Lockport v. IEPA - *See Final Actions*

**AC 98-11** County of Will v. Kavanaugh Enterprises, Inc. - The Board received an administrative citation against this Will County respondent.

**R98-13** In the Matter of: Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources: Amendment to 35 Ill. Adm. Code 201 - The Board accepted for hearing the IEPA's proposal to amend the Board's air pollution control regulations. - *See Rulemaking Update*

CALENDAR OF MEETINGS

Date & Time	Docket Number	Case Name	Location of Hearing
11/19/97 10:00am	R 98-9	In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules; Amendments to 35 Ill. Adm Code 811, 813 and 848	James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601
11/19/97 2:00pm	PCB 97-10	People of the State of Illinois v. Allsteel, Inc.	Montgomery Village Hall, Board Room, 1300 South Broadway, Montgomery, IL 60538
<b>11/20/97 10:30am</b>		<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601</b>
12/1/97 11:00am	PCB 97-199	Tri Star Marketing, Inc. v. IEPA	Ogles County Courthouse, Basement Conference Room, 100 South Fourth Street, Oregon, IL 60601
12/2/97 1:30pm	PCB 98-43	Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental	Wood River City Hall, 111 Wood River Avenue, Wood River, IL 62095
<b>12/4/97 10:30am</b>		<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601</b>
12/5/97 10:00am	PCB 95-90	Minnesota Mining and Manufacturing Company v. IEPA	James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601
12/8/97 11:00am	R 98-13	In the Matter of: Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources: Amendment to 35 Ill. Adm. Code 201	James R. Thompson Center, 100 West Randolph Street, Suite 9-040 Chicago, IL 60601
<b>12/18/97 10:30am</b>		<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601</b>
12/19/97 10:00am	PCB 98-60	CDT Landfill Corporation v. City of Joliet	Joliet City Hall, Council Chambers, 150 West Jefferson Street, Joliet, IL 60432
12/19/97 10:00am	R 97-27	In the Matter of Revision to Waste Disposal Rules: Amendment to 35 Ill. Adm. Code 817.101	Illinois State Library, Room 403/404, 300 South Second Street, Springfield, IL 62702
12/23/97	<i>IEPA Hearing</i>	<i>Illinois EPA's Revolving Loan Fund Intended Use for the Public Water Supply Loan Program for 1998</i>	<i>Illinois EPA, Bureau of Water, 1001 N. Grand Ave. East, Springfield, IL 62702</i>
1/12/98 10:00am	R 98-13	In the Matter of: Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources: Amendment to 35 Ill. Adm. Code 201	Illinois Police Training Board, 600 South Second Street, Third Floor Conference Room, Springfield, IL 62702